

REMARKS/ARGUMENTS

The office action of September 28, 2009 has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-4, 6, 8-11, 14-22, 25 and 26 remain in this application. Claims 5, 7, 12, 13, 23, 24, and 27-30 were previously canceled. No claim has been amended.

Allowable Subject Matter

Preliminarily, applicants note with appreciation the indication that the application contains allowable subject matter. Specifically, claims 14, 17, 18, and 19 have been objected to for being dependent upon a rejected base claim, but would be allowable if amended to incorporate all the features of their ultimate base claim and any intervening claims.

Rejections under 35 U.S.C. § 102(e)

Claims 1, 2, 6, 8, 9, 10, 11, 15, 16, 20, 22, 24, and 26 stand rejected under 35 USC 102(e) as being anticipated by Swinnen et al (US 20080021028).

Swinnen was published 24 January 2008 based on an application filed 25 July 2005, claiming priority to an application filed 26 January 2004. The present application claims priority to two Great Britain applications, both filed in 2003. Certified copies of the two Great Britain applications were filed with the PCT application and form part of the PCT file and hence part of the US file. Copies are publically available at the WIPO website. However, copies are attached for convenience.

As applicants are entitled to the filings dates of the Great Britain applications, 23 August 2003 and 10 December 2003, Swinnen is not a proper reference under 35 USC 102. Withdrawal of this rejection is requested.

Rejections under 35 U.S.C. § 103

Claims 1, 23, 4, 6, 8, 9, 10, 11, 15, 16, 20, 21, 22, 24, and 26 stand rejected under 35 USC 103(a) as being unpatentable over Swinnen et al (US 20080021028) in view of Wermuth (The Practice of Medicinal Chemistry, 1996, pages 203-7).

As noted above, Swinnen is not a proper reference under 35 USC 102. Withdrawal of this rejection is requested.

CONCLUSION

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,
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Dated: March 9, 2010

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